

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DARLA RUTHERFORD,

Plaintiff,

v.

**JO ANNE B. BARNHART,¹
Commissioner of Social Security,**

Defendant.

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No. 3:06-00483

**Judge Nixon
Magistrate Judge Bryant**

ORDER

Pending before the Court is Plaintiff Darla Rutherford's ("Plaintiff" or "Rutherford") Motion for Judgment on the Administrative Record ("Plaintiff's Motion") (Doc. No. 20), to which Defendant ("Defendant" or "Commissioner") filed a Response in opposition (Doc. No. 26), and Plaintiff subsequently filed a Reply (Doc. No. 29). Magistrate Judge Bryant ("Magistrate Judge") filed a Report and Recommendation ("Report") on April 21, 2008 recommending that Plaintiff's Motion be granted, the findings of the Commissioner be reversed, and the cause remanded for an immediate award of all supplemental security income benefits to which Plaintiff is entitled based on her disability commencing October 1, 1998. (Doc. No. 30). Defendant did not file any Objections to the Report.


After review, the Court finds the Magistrate Judge's thorough Report to be correct, finds that all essential factual issues have been resolved, and that Plaintiff's entitlement is adequately

¹ Michael J. Astrue was sworn in as Commissioner of Social Security on February 12, 2007. Pursuant to Federal Rule of Civil Procedure 25(d)(1) and the last sentence of 42 U.S.C. § 405(g), Michael J. Astrue is automatically substituted as Defendant in the above-captioned case, and no further action is necessary to continue this case.

established upon strong showing of disability. The Court, therefore, **ACCEPTS AND ADOPTS** the Report it in its entirety, **GRANTS** Plaintiff's Motion, **REVERSES** the Commissioner's decision, and **REMANDS** the cause for an immediate award of all supplemental security income benefits to which Plaintiff is entitled based on her disability commencing October 1, 1998. This Order terminates this Court's jurisdiction over the above-styled action, and the case is **DISMISSED**.

It is so ORDERED.

Entered this the 9th day of May, 2008.



JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT